

Title	Trial Delay Reduction, Differential Case Management, and Case Disposition Time Standards (adopt Cal. Rules of Court, rule 204 and amend rules 208 and 209; amend Cal. Stds. Jud. Admin., §§ 2 and 2.1 and repeal §§ 2.3 and 2.4)
Summary	New and amended California Rules of Court would be adopted to make civil case management procedures more flexible and case disposition time standards more realistic than they are currently. The California Standards of Judicial Administration on the time for disposition of cases would be amended to be more flexible and to make the standards consistent with trial court unification and contemporary case management.
Source	Staff of the Administrative Office of the Courts and the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases
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Discussion	<p><u>Background</u></p> <p>In February 2003, Chief Justice Ronald M. George appointed the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases, a distinguished group of experts in the fields of civil procedure and practice and of court administration. The panelists include leaders in the judicial branch and prominent attorneys whose member organizations represent a broad range of plaintiffs and defendants involved in civil litigation in California.</p> <p>The Blue Ribbon Panel convened in April–June 2003. It developed three sets of proposals intended to improve the administration of civil cases and to promote a more flexible application of the rules relating to trial setting, continuances, and case management. The proposal presented in this invitation to comment is one of the panel's three proposals.¹ It concerns the rules and standards relating to trial delay reduction, differential case management, and case disposition time standards.</p>

¹ The other two proposals relate to the rules and standards concerning (1) setting cases for trial, and (2) continuances of trial dates. These other proposals are contained in two additional invitations to comment. The three proposals are related in that all are intended to improve the administration of civil cases, but are presented separately to make it easier for commentators to address the rules and standards in particular subject areas.

This Proposal

1. *Proposed changes in the rules*

First, the panel proposes that a new rule be adopted on the scope and purpose of the case management rules. New rule 204 would state that all the rules in the chapter of the California Rules of Court on civil case management "are to be construed and administered to secure the fair, timely, and efficient disposition of every civil case." This new rule would also provide that case management rules are "to be applied in a fair, practical, and flexible manner so as to achieve the ends of justice." This preliminary rule is intended to provide direction on the proper application of the case management rules.

Second, rule 209 (on the differentiation of cases to achieve time disposition goals) would be substantially modified. Currently, rule 209(a) provides that after the court has evaluated each civil case under the criteria stated in rule 210, the court must (1) assign the case to one of three management plans for disposition within two years after filing; (2) exempt the case as an exceptional case (i.e., as a complicated or complex case requiring more time for disposition); or (3) assign the case to a local case management plan for disposition within six to nine months (i.e., to a "super fast track"). Under rule 209(a) and (b), courts generally assign most civil cases to one of three plans: Plan 1 (for cases to be disposed of within 12 months of filing), Plan 2 (for cases to be disposed of within 18 months), and Plan 3 (for cases to be disposed of within 24 months). Under subdivision (c), courts are permitted by local rule to *presume* that a case is subject to the disposition goal under Plan 1, i.e., disposition within one year. As a result, many civil cases, upon filing, are automatically assigned to Plan 1 for disposition within a year.

The Blue Ribbon Panel concluded that the automatic assignment of civil cases to Plan 1 is a problem since it results in the arbitrary assignment of some civil cases to unrealistic trial dates. In response to this problem, the Blue Ribbon Panel recommends that the current scheme of assigning civil cases to Plan 1, 2, or 3 be replaced.

Specifically, the panel recommends that rule 209(a) be amended and current subdivisions (b) and (c) be eliminated. Under amended rule 209(a), instead of being assigned to Plan 1, 2, or 3 at the time of filing, most civil cases would be assigned to case management review under rule 212. At the time of the case management review, the trial court would review the statements submitted by the parties in each case,

hold a conference if appropriate, and issue an order managing the case to trial. This approach should reduce arbitrariness and promote the individualized treatment of every civil case based on its particular facts.

Notwithstanding the proposed changes to rule 209, it is important that civil cases continue to be processed in a timely and efficient manner. To ensure that the goals of trial delay reduction continue to be pursued, the panel recommends that a new subdivision (b) be added to rule 209. This provision would state that cases assigned for review under rule 212 should be managed to achieve specified time disposition goals.

As under the present rules and standards, the goal for all general civil cases assigned to the program would continue to be disposition within two years of filing. But new rule 209(b) would provide slightly less rigorous time disposition goals for unlimited civil cases (i.e., cases with an amount in controversy in excess of \$25,000) than are currently provided in section 2.1 of the standards. The revised goals would provide that only 75 percent rather than 90 percent of all unlimited civil cases should be disposed of within a year after filing. This modification should decrease the pressure on the courts to dispose of virtually all general civil cases within a year and give them more flexibility in assigning trial dates for unlimited civil cases. The goals for disposition of limited civil cases (i.e., cases with an amount in controversy of \$25,000 or less) would remain the same as under current section 2.3 of the Standards of Judicial Administration.

Finally, new subdivision (b)(3) of rule 209 would clarify that the goals for civil cases in subdivisions (b)(1) and (2) are goals for the courts' disposition of *all* unlimited or limited civil cases filed in that court. Subdivision (b)(3) provides that, in managing *individual* civil cases, the court must consider each case on its merits. The rule further states that, to enable the fair and efficient disposition of civil cases, each case should be set for trial as soon as appropriate, consistent with new rule 212(j) on trial setting. (Amended rule 209(b)(3).)

2. Proposed changes in the standards

The Blue Ribbon Panel proposes revisions to the case disposition time standards that are currently contained in sections 2, 2.1, 2.3, and 2.4 of the California Standards of Judicial Administration.

First, in the statement of purpose in the Standards of Judicial

Administration in section 2.1(b), two sentences would be added: “[The standards] are intended to improve the administration of justice by encouraging the prompt disposition of all matters coming before the courts. The standards should be applied in a fair, practical, and flexible manner.” (Amended Stds. of Jud. Admin., § 2.1(b).)

Second, sections 2.1(h) and 2.3(b) currently provide that the goal of each court should be to manage all general civil cases from the time of filing so that (1) 90 percent are disposed of within 12 months, (2) 98 percent are disposed of within 18 months, and (3) 100 percent are disposed of within 24 months. These goals apply to both unlimited and limited civil cases.

The Blue Ribbon Panel thought that these case time disposition standards are practical and achievable for limited civil cases. By fiscal year 2000–2001, 85 percent of limited civil cases were disposed of within 12 months, 92 percent within 18 months, and 95 percent within 24 months. But the situation for unlimited civil cases is different. By fiscal year 2000–2001, the disposition rates for unlimited civil cases were only 64 percent of all cases disposed of within 12 months, 83 percent within 18 months, and 90 percent within 24 months.

The Blue Ribbon Panel considered the gap between the actual time being taken to dispose of unlimited civil cases and the goals stated in section 2.1 to be a problem. Panel members believed that some trial courts, in their efforts to achieve the 90 percent disposition rate set out in section 2.1 of the standards, were setting too many unlimited civil cases for trial within one year after filing. This practice, especially when combined with the reluctance of some courts to grant continuances, was causing real difficulties for attorneys and their clients.

To remedy this situation, the panel concluded that section 2.1 of the standards should be modified. For limited civil cases, the current case time disposition goals were appropriate, should be retained, and should be incorporated into the revised standards. But for unlimited civil cases, the panel recommends that the standards be modified to provide that courts should manage these cases with the goals of disposing of: (1) 75 percent of the cases within 12 months, (2) 85 percent within 18 months, and (3) 100 percent within 24 months.

The panel believes that these goals would provide a more realistic benchmark for judges and courts setting unlimited civil cases for trial.

The new goals would clarify that it is not necessary to set virtually all such cases for trial within a year: courts would have more flexibility in setting trial dates and attorneys should encounter fewer difficulties in preparing their cases for trial. At the same time, the new goals would still contain higher case disposition rates than most courts are currently achieving and so would continue to encourage the timely, efficient disposition of civil cases.

To further clarify that the new case time disposition goals apply to the civil case management rules, the panel recommends that the revised goals for unlimited and limited civil cases be included not only in the standards, but also directly in rule 209 of the California Rules of Court.

Another proposed change to the standards would be to extend by five days in the goals for disposition of small claims cases (e.g., from 90 percent disposed of within 70 days of filing to within 75 days, and from 100 percent disposed of within 90 days of filing to within 95 days). The additional five days reflects the recent amendment of Code of Civil Procedure section 116.340(4)(b) that changed the time for service of a claim from 10 to 15 days before a hearing.

Some additional technical changes proposed by the Civil and Small Claims Advisory Committee should also be made to the Standards at this time. Because the time disposition standards have not been amended since 1994, they do not reflect trial court unification and other recent developments in the law. In section 2, subheadings would be added and the text updated to reflect the adoption of uniform statewide case management rules. The case disposition time standards in sections 2.1, 2.3, and 2.4 would be integrated into a single standard that applies to all unified trial courts. And current section 2.3, which refers to municipal and justice courts, would be repealed.

The amended standards would also modify the criminal standards to indicate that the time is calculated from the time "after the defendant's first arraignment on the complaint" instead of "after the defendant's first court appearance."

Finally, the revised standards, unlike the existing standards, would list in detail the matters that remove a case from a court's control. The period while a case is removed from the court's control is excluded from the case disposition time standards. Comments are invited on whether the detailed list is necessary or useful and, if so, whether the

matters listed are appropriate.

Attachments

PROPOSAL

Rule 204 of the California Rules of Court would be adopted and rules 208 and 209 would be amended, and sections 2 and 2.1 of the California Standards of Judicial Administration would be amended and sections 2.3 and 2.4 would be repealed, effective January 1, 2004, to read:

California Rules of Court

Rule 204. Scope and purpose of the case management rules

The rules in this chapter are to be construed and administered to secure the fair, timely, and efficient disposition of every civil case. The rules are to be applied in a fair, practical, and flexible manner so as to achieve the ends of justice.

Rule 208. Delay reduction goals

- (a) **[Case management goals]** The rules in this chapter are adopted to advance the goals of section 68607 of the Government Code and section 2 of the California Standards of Judicial Administration recommended by the Judicial Council within the time limits specified in section 68616 of the Government Code.
- (b) **[Case disposition time goals]** The goal of the court is to manage general civil cases from filing to disposition as provided under sections ~~2.1 and 2.3~~ of the California Standards of Judicial Administration.
- (c) **[Judges' responsibility]** It is the responsibility of judges to achieve a just and effective resolution of each general civil case through active management and supervision of the pace of litigation from the date of filing to disposition.

Rule 209. Differentiation of cases to achieve goals

- (a) **[Evaluation and assignment]** The court must evaluate each case on its own merits as provided in rule 210, under procedures adopted by local court rules. After evaluation, the court must:
 - (1) assign each case to one of the three case management plans listed in (b) the case to the case management program for review under rule 212 for disposition under the case disposition time goals in subdivision (b) of this rule; or
 - (2) exempt the case as an exceptional case under subdivision ~~(d)~~(c) of this rule from the case disposition time goals specified in rule 208(b) and monitor it with the goal of disposing of it within three years; or

- 1
2 (3) assign the case under subdivision (e) (d) of this rule to the a local case
3 management plan for disposition within six to nine months after filing.
4
- 5 ~~(b) [Case management plans]~~ Time of disposition under the following case
6 management plan is, from the date of filing:
7
- 8 (1) ~~Plan 1: 12 months;~~
9 (2) ~~Plan 2: 18 months;~~
10
11 (3) ~~Plan 3: 24 months.~~
12
- 13 **(b) [Civil case time disposition goals]** Civil cases assigned to the case
14 management program for review under rule 212 should be managed so as to
15 achieve the following goals:
16
- 17 (1) (Unlimited civil cases) The goal of each trial court should be to manage
18 unlimited civil cases from filing so that:
19
- 20 (A) 75 percent are disposed of within 12 months;
21
22 (B) 85 percent are disposed of within 18 months; and
23
24 (C) 100 percent are disposed of within 24 months.
25
- 26 (2) (Limited civil cases) The goal of each trial court should be to manage
27 limited civil cases from filing so that:
28
- 29 (A) 90 percent are disposed of within 12 months;
30
31 (B) 98 percent are disposed of within 18 months; and
32
33 (C) 100 percent are disposed of within 24 months.
34
- 35 (3) (Individualized case management) The goals in (1) and (2) are guidelines
36 for the court's disposition of all unlimited and limited civil cases filed in
37 that court. In managing individual civil cases, the court must consider
38 each case on its merits. To enable the fair and efficient resolution of civil
39 cases, each case should be set for trial as soon as appropriate for that
40 individual case consistent with rule 212(j).
41
- 42 ~~(e) [Case management Plan 1]~~ The court may by local rule presume that a case is
43 subject to the disposition goal under case management Plan 1 when the case is

1 ~~filed or as otherwise provided by the court. The court may modify the~~
2 ~~assigned case management plan at any time for good cause shown.~~
3

4 **(d)(c) [Exemption of exceptional cases]**
5

6 (1) The court may in the interest of justice exempt a general civil case from
7 the case disposition time goals under rule 208(b) if it finds the case
8 involves exceptional circumstances that will prevent the court and the
9 parties from meeting the goals and deadlines imposed by the program. In
10 making the determination, the court is guided by rules 210 and 1800.
11

12 (2) If the court exempts the case from the case disposition time goals, the
13 court must establish a case progression plan and monitor the case to
14 ensure timely disposition consistent with the exceptional circumstances,
15 with the goal of disposing of the case within three years.
16

17 **(e)(d) [Local case management plan for expedited case disposition]**
18

19 (1) For expedited case disposition, the court may by local rule adopt a case
20 management plan that establishes a goal for disposing of appropriate
21 cases within six to nine months after filing. The plan must establish a
22 procedure to identify the cases to be assigned to the plan.
23

24 (2) The plan must be used only for uncomplicated cases amenable to early
25 disposition that do not need a case management conference or review or
26 similar event to guide the case to early resolution.
27
28

Standards of Judicial Administration

§ 2. Caseflow management and delay reduction—statement of general principles

- (a) **[Elimination of all unnecessary delays]** Trial courts should be guided by the general principle that from the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events is unacceptable and should be eliminated.
- (b) **[Court responsible for the pace of litigation]** To enable the just and efficient resolution of cases the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket.
- (c) **[Presiding judge's role]** The presiding judge of each court should take an active role in advancing the goals of delay reduction and in formulating and implementing local rules and procedures to accomplish the following:
- (1) The expeditious and timely resolution of cases, after full and careful consideration consistent with the ends of justice;
 - (2) The identification and elimination of local rules, forms, practices, and procedures that are obstacles to delay reduction, are inconsistent with statewide case management rules, or ~~that~~ prevent the court from effectively managing its cases.
 - (3) The formulation and implementation of a system of tracking cases from filing to disposition; and
 - (4) The training of judges and nonjudicial administrative personnel in delay reduction rules and procedures adopted in the local jurisdiction.

§ 2.1 ~~Superior~~ Trial court case-disposition time standards

- (a) **[Trial Court Delay Reduction Act]** The recommended time standards in this section are adopted pursuant to under chapter 1335 of the Statutes of 1986 (Gov. Code, § 68603) Government Code sections 68603 and 68620.
- (b) **[Statement of purpose]** These recommended time standards are intended to guide the trial courts in applying the policies and principles of section 2 of the Standards of Judicial Administration. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all

1 matters coming before the courts. The standards should be applied in a fair,
2 practical, and flexible manner. They are not to be used as the basis for
3 sanctions against any court or judge.

4
5 **(c) [Definition]** The definition of "general civil case" in rule 200.1(2) applies to
6 this section. It includes both unlimited and limited civil cases.

7
8 **(e)(d) [Superior court Civil cases—processing time goals]** The goal of each
9 superior trial court should be to process general civil cases to meet the
10 following goals: so that

11
12 (1) ~~By January 1, 1989, all cases should be disposed within four years of~~
13 ~~filing;~~

14
15 (2) ~~By January 1, 1990, all cases should be disposed within three years of~~
16 ~~filing;~~

17
18 (3) ~~After January 1, 1991, all cases should be~~ are disposed of within two
19 years of filing.

20
21 **(d)(e) [Superior court Civil cases—rate of disposition]** Each superior trial court
22 should dispose of at least as many civil cases as are filed each year and, if
23 necessary to meet the case-processing standards in subdivision (e)(d), dispose
24 of more cases than are filed. As the court disposes of inactive cases, it should
25 identify active cases that may require judicial attention.

26
27 **(e) [Definition]** ~~As used in this section, "general civil case" means all civil cases~~
28 ~~except probate, guardianship, conservatorship, family law, juvenile~~
29 ~~proceedings, and "other civil petitions" as defined in the Regulations on~~
30 ~~Superior Court Reports to the Judicial Council.~~

31
32 **(f) [Felony cases]** ~~Except for capital cases, all felony cases disposed of should~~
33 ~~have a total elapsed processing time of no more than one year from first~~
34 ~~appearance in any court to disposition.~~

35
36 **(g) [Exceptional cases]** ~~A civil case that involves exceptional circumstances or~~
37 ~~will require continuing review is exempt from the time standards in~~
38 ~~subdivisions (c) and (h). An exceptional case is not exempt from the time~~
39 ~~standard in subdivision (f), but case progress should be separately reported~~
40 ~~under the Regulations on Superior Court Reports to the Judicial Council.~~

41
42 **(h)(f) [Superior court General civil cases—case-disposition time goals]**

1 The goal of each trial court should be to manage general civil cases, except
2 those exempt under (g), so that they meet the following case disposition time
3 goals:

4
5 (1) (Unlimited civil cases) The goal of each trial court should be to manage
6 unlimited civil cases from filing so that:

7
8 (A) 75 percent are disposed of within 12 months;

9
10 (B) 85 percent are disposed of within 18 months; and

11
12 (C) 100 percent are disposed of within 24 months.

13
14 (2) (Limited civil cases) ~~Effective July 1, 1991,~~ The goal of each superior trial
15 court should be to manage ~~general~~ limited civil cases from filing as
16 follows so that:

17
18 ~~(1)(A)~~ 90 percent are disposed of within 12 months; dispose of 90
19 percent;

20
21 ~~(2)(B)~~ 98 percent are disposed of within 18 months; dispose of 98
22 percent; and

23
24 ~~(3)(C)~~ 100 percent are disposed of within 24 months; dispose of 100
25 percent.

26
27 (3) (Individualized case management) The goals in (1) and (2) are guidelines
28 for the court's disposition of all unlimited and limited civil cases filed in
29 that court. In managing individual civil cases, the court must consider
30 each case on its merits. To enable the fair and efficient resolution of civil
31 cases, each case should be set for trial as soon as appropriate for that
32 individual case consistent with rule 212(j).

33
34 (g) **[Exceptional civil cases]** A general civil case that meets the criteria set out in
35 rules 210 and 1800 and that involves exceptional circumstances or will require
36 continuing review is exempt from the time standards in (d) and (f). Every
37 exceptional case should be monitored to ensure its timely disposition
38 consistent with the exceptional circumstances, with the goal of disposing of the
39 case within three years.

40
41 (h) **[Small claims cases]** The goals for small claims cases are:

42
43 (1) 90 percent disposed of within 75 days after filing; and

- 1
2 (2) 100 percent disposed of within 95 days after filing.
3
- 4 (i) **[Unlawful detainer cases]** The goals for unlawful detainer cases are:
5
6 (1) 90 percent disposed of within 30 days after filing; and
7
8 (2) 100 percent disposed of within 45 days after filing.
9
- 10 (j) **[Felony cases—processing time goals]** Except for capital cases, all felony
11 cases disposed of should have a total elapsed processing time of no more than
12 one year from first appearance in any court to disposition.
13
- 14 (k) **[Misdemeanor cases]** The goals for misdemeanor cases are:
15
16 (1) 90 percent disposed of within 30 days after the defendant's first
17 arraignment on the complaint;
18
19 (2) 98 percent disposed of within 90 days after the defendant's first
20 arraignment on the complaint; and
21
22 (3) 100 percent disposed of within 120 days after the defendant's first
23 arraignment on the complaint.
24
- 25 (l) **[Felony preliminary examinations]** The goal for felony cases at the time of
26 the preliminary examination (excluding murder cases in which the prosecution
27 seeks the death penalty) should be disposition by dismissal, by interim
28 disposition by certified plea of guilty, or by finding of probable cause, so that:
29
30 (1) 90 percent of cases are disposed of within 30 days after the defendant's
31 first arraignment on the complaint;
32
33 (2) 98 percent of cases are disposed of within 45 days after the defendant's
34 first arraignment on the complaint; and
35
36 (3) 100 percent of cases are disposed of within 90 days after the defendant's
37 first arraignment on the complaint.
38
- 39 (m) **[Exceptional criminal cases]** An exceptional criminal case is not exempt from
40 the time standard in (j), but case progress should be separately reported under
41 the Judicial Branch Statistical Information System (JBSIS) regulations.
42

1 **(n) [Cases removed from court's control excluded from computation of time]**

2 If a case is removed from the court's control, the period of time until the case is
3 restored to court control should be excluded from the case-disposition time
4 standards. The matters that remove a case from the court's control for the
5 purposes of this section include:

6
7 (1) Civil:

8
9 (A) The filing of a notice of conditional settlement under rule 225;

10
11 (B) An automatic stay resulting from the filing of an action in a federal
12 bankruptcy court;

13
14 (C) The removal of the case to federal court;

15
16 (D) An order of a federal court or higher state court staying the case;

17
18 (E) An order staying the case based on proceedings in a court of equal
19 standing in another jurisdiction;

20
21 (F) The pendency of contractual arbitration under Code of Civil
22 Procedure section 1281.4;

23
24 (G) The pendency of attorney fee arbitration under Business and
25 Professions Code section 6201;

26
27 (H) A stay by the reporting court for active military duty or
28 incarceration; and

29
30 (I) For 180 days, the exemption for uninsured motorist cases under rule
31 207(c).

32
33 (2) Felony or misdemeanor:

34
35 (A) Issuance of warrant;

36
37 (B) Imposition of a civil assessment under Penal Code section 1214.1;

38
39 (C) Pendency of completion of diversion under Penal Code section 1000
40 et seq.;

41
42 (D) Evaluation of mental competence under Penal Code section 1368;
43

- 1 (E) Evaluation as a narcotics addict under Welfare and Institutions Code
2 sections 3050 and 3051;
3
4 (F) 90-day diagnostic and treatment program under Penal Code section
5 1203.3;
6
7 (G) 90-day evaluation period for a juvenile under Welfare and
8 Institutions Code section 707.2;
9
10 (H) Stay by a higher court or by a federal court for proceedings in
11 another jurisdiction;
12
13 (I) Stay by the reporting court for active military duty or incarceration;
14 and
15
16 (J) Time granted by court to secure counsel if the defendant is not
17 represented at the first appearance.
18

- 19 (o) [Problems] A court that finds its ability to comply with these standards
20 impeded by a rule of court or statute should notify the Judicial Council.
21

22 **~~§ 2.3. Municipal court case disposition time standards~~**
23

- 24 ~~(a) [Time standards for municipal and justice courts] Each municipal and~~
25 ~~justice court should process its cases to meet the time standards in this section.~~
26
27 ~~(b) [General civil cases] A general civil case is any civil case other than a small~~
28 ~~claims or unlawful detainer case. The goals for general civil cases are:~~
29
30 ~~(1) 90 percent disposed of within 12 months after filing;~~
31
32 ~~(2) 98 percent disposed of within 18 months after filing;~~
33
34 ~~(3) 100 percent disposed of within 24 months after filing.~~
35
36 ~~(c) [Small claims cases] The goals for small claims cases are:~~
37
38 ~~(1) 90 percent disposed of within 70 days after filing;~~
39
40 ~~(2) 100 percent disposed of within 90 days after filing.~~
41
42 ~~(d) [Unlawful detainer cases] The goals for unlawful detainer cases are:~~
43

- 1 (1) 90 percent disposed of within 30 days after filing;
2
3 (2) 100 percent disposed of within 45 days after filing.
4
5 (e) **[Misdemeanor cases]** The goals for misdemeanor cases are:
6
7 (1) 90 percent disposed of within 30 days after the defendants' first court
8 appearance;
9
10 (2) 98 percent disposed of within 90 days after the defendants' first court
11 appearance;
12
13 (3) 100 percent disposed of within 120 days after the defendants' first court
14 appearance.
15
16 (f) **[Felony preliminary examinations]** The goal for felony filings, excluding
17 murder cases in which the prosecution seeks the death penalty, is disposition
18 (by certified plea, finding of probable cause, or dismissal) of:
19
20 (1) 90 percent within 30 days after the defendants' first court appearance;
21
22 (2) 98 percent within 45 days after the defendants' first court appearance;
23 (3) 100 percent within 90 days after the defendants' first court appearance.
24
25 (g) **[Exclusion from computation of time in misdemeanor cases and felony
26 preliminary examinations]** If a defendant is not represented by counsel at the
27 first court appearance, any period of time granted by the court to secure
28 counsel should be excluded from the case disposition time standards for
29 misdemeanor cases under subdivision (e) and for felony preliminary
30 examinations under subdivision (f).
31
32 (h) **[Purpose; problems]** The purpose of the time standards in this section is to
33 improve the administration of justice by encouraging prompt disposition of all
34 matters coming before the courts. These standards are not to be used as the
35 basis for sanctions against any court or judge.
36

37 A court that finds its ability to comply with these standards impeded by a rule of
38 court or statute should notify the Judicial Council.
39

40 **~~§ 2.4. General exclusions to case disposition time standards~~**

41

42 If a case is removed from the court's control, as defined in the regulations for
43 statistical reporting adopted by order of the Chairperson of the Judicial Council, the

- 1 ~~period of time until the case is restored to court control should be excluded from the~~
- 2 ~~case disposition time standards.~~